

civil strife, which he believed to be inevitable; but he now quietly sleeps in that city peopled by the departed; his stormy voice is mute; his patriotic heart, which, when living, was moved by the noblest emotions of our nature, lies calm and motionless in the grave. DOUGLAS is dead!

The question was taken; and the resolutions were agreed to.

The House thereupon (at four o'clock, p. m.) adjourned.

IN SENATE.

WEDNESDAY, July 10, 1861.

Prayer by Rev. BYRON SUNDERLAND, D. D.
The Journal of yesterday was read and approved.

PETITIONS.

Mr. TEN EYCK. I ask leave to present the memorial of citizens of Camden, in the State of New Jersey, praying that, as an act of justice to the survivors of the war of 1812, all who survived in said war, or were ever actually engaged in war, the surviving widows of any who have died, or may hereafter die, may be placed on the pension rolls of the United States. As I hold the right of petition to be sacred in the people, I present the memorial, and ask that it may be referred to the Committee on Pensions, even at this special session.

The memorial was referred to the Committee on Pensions.

Mr. TRUMBULL. I ask leave to present the petition of a public meeting of the citizens of Mendota, in the State of Illinois, asking for certain amendments to the Constitution of the United States; among which is, that it be so amended as to abolish slavery in all the States which have attempted to secede; another, to abolish slavery in the loyal States by purchase; another, that the President of the United States enter upon the discharge of his duties immediately after his election; and various other amendments, rendering incapable of holding office all persons engaged in the conspiracy against the Government. I ask that it be laid on the table.

The petition was ordered to lie on the table.

REPORT FROM A COMMITTEE.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 3) providing for the better organization of the military establishment, reported it with amendments.

BILLS INTRODUCED.

Mr. SAULSBURY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 8) to renew and continue the pension allowed to Olivia W. Cannon; which was read twice by its title, and referred to the Committee on Pensions.

RETIRED LIST.

Mr. GRIMES. I ask leave to introduce a bill with a view to reference, of which no previous notice has been given.

There being no objection, leave was granted; and the bill (S. No. 7) to promote the efficiency of the Army and Navy was read twice by its title.

Mr. GRIMES. Mr. President, I move that the bill be referred to the select committee of which the Senator from Massachusetts [Mr. Wilson] is chairman. I desire to say that, in drafting the bill, I have adopted, without any alteration, the first four sections of the bill introduced by the Senator from Massachusetts, which relate to the retirement of the Army officers. In the succeeding five sections, which relate to the retirement of Navy officers, an attempt has been made to assimilate the provision in relation to retiring Navy officers to the four preceding sections, which relate to the Army officers.

It is provided, in the first place, that any naval officer who has been in the service of the United States more than forty years may voluntarily retire upon his leave-of-absence pay. It, in the next place, provides that any officer who shall be disabled or rendered incompetent to discharge the duties that appertain to his station, by reason of any wound received in actual conflict with the enemy, shall be retired upon his sea pay. It then provides that "whenever, in the judgment of the President, an officer of the Navy shall be in any

way incapacitated from performing his duty, he shall direct the Secretary of the Navy to refer the case to a board of not more than nine or less than five commissioned officers, superiors in rank, to examine into the fitness and the competency of the officer; which board shall preserve a record of their proceedings and the testimony submitted before them, and transmit the same to the Secretary of the Navy, to be laid before the President for his approval or disapproval. The board shall report whether, in its judgment, the incapacity resulted from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure, or from any other incident of service. If the disability arose from either of these causes, the officer shall be retired with leave-of-absence pay; if from other causes, he may be retired on furlough pay, or he may be wholly retired, and his name stricken from the Register." In the fourth place, it provides that retired officers shall be entitled to wear the uniform of their grade, to continue to be borne upon the Navy Register, subject to the rules of war, to trial by general court-martial, and to be assigned to such duty as the exigencies of the service may require, and the President may deem them capable of performing.

The bill was referred to the select committee appointed to consider the bill (S. No. 4) to promote the efficiency of the Army.

ARMY AND NAVY REGISTERS.

Mr. ANTHONY. I desire to offer a resolution, which goes to the Committee on Printing:

Resolved, That three thousand copies of the Army Register and fifteen hundred copies of the Navy Register be printed for the use of the Senate.

The resolution was referred to the Committee on Printing.

ELECTION OF CHAPLAIN.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate do now proceed to elect a Chaplain of the Senate for this present Congress.

The Senate proceeded to ballot for Chaplain; and the ballots having been collected and canvassed, the result was announced as follows:

Whole number of votes cast, 35; necessary to a choice, 18; of which—

Rev. Byron Sunderland received.....	33
Rev. Mr. Norwood.....	1
Rev. Goldsmith D. Carroll.....	1

Rev. BYRON SUNDERLAND, having received a majority of the whole number of votes, was declared elected Chaplain of the Senate for the present Congress.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had passed a bill (No. 15) to provide for the payment of the militia and volunteers called into the service of the United States, by proclamation of the President, dated April, 1861, from the time they were called into service to the 30th day of June, 1861.

On motion of Mr. FESSENDEN, the bill was read twice by its title, and referred to the Committee on Finance.

The message further announced that the House had passed the joint resolution of the Senate, (No. 2) to remit the duties on certain arms imported into the United States.

EXPULSION OF SENATORS.

Mr. CLARK. I have a resolution to offer. I do not ask for its present consideration, but give notice that I will call it up to-morrow.

The resolution was read, as follows:

Whereas a conspiracy has been formed against the peace, union, and liberties of the people and Government of the United States; and in furtherance of such conspiracy a portion of the people of the States of Virginia, North Carolina, South Carolina, Tennessee, Arkansas, and Texas, have attempted to withdraw those States from the Union, and are now in arms against the Government; and whereas JAMES M. MASON and ROBERT M. T. HUNTER, Senators from Virginia; THOMAS L. CLINGMAN and THOMAS BRAGG, Senators from North Carolina; JAMES CHESNUT, Jr., a Senator from South Carolina; A. O. P. NICHOLSON, a Senator from Tennessee; WILLIAM K. SEBASTIAN and CHARLES B. MITCHEL, Senators from Arkansas; and JOHN HEMPHILL and LOUIS T. WIGFALL, Senators from Texas, have failed to appear in their seats in the Senate and to aid the Government in this important crisis; and it is apparent to the Senate that said Senators are engaged in said conspiracy for the destruction

of the Union and Government, or with full knowledge of such conspiracy have failed to advise the Government of its progress or aid in its suppression: Therefore,

Resolved, That the said MASON, HUNTER, CLINGMAN, BRAGG, CHESNUT, NICHOLSON, SEBASTIAN, MITCHEL, HEMPHILL, and WIGFALL, be, and they hereby are, each and all of them, expelled from the Senate of the United States.

APPROVAL OF PRESIDENTIAL ACTS.

The VICE PRESIDENT. The joint resolution (S. No. 4) to approve and confirm certain acts of the President of the United States, for suppressing insurrection and rebellion, is the first business on the Calendar, and it will now be considered.

The joint resolution was read, as follows:

Whereas, since the adjournment of Congress, on the 4th day of March last, a formidable insurrection, in certain States of this Union has arrayed itself in armed hostility to the Government of the United States, constitutionally administered; and whereas the President of the United States did, under the extraordinary exigencies thus presented, exercise certain powers and adopt certain measures for the preservation of this Government—that is to say: First. He did, on the 15th day of April last, issue his proclamation calling upon the several States for seventy-five thousand men to suppress such insurrectionary combinations, and to cause the laws to be faithfully executed. Secondly. He did, on the 19th day of April last, issue a proclamation setting on foot a blockade of the ports within the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas. Thirdly. He did, on the 21st day of April last, issue a proclamation establishing a blockade of the ports within the States of Virginia and North Carolina. Fourthly. He did, by order of the 27th day of April last, addressed to the Commanding General of the Army of the United States, authorize that officer to suspend the writ of *habeas corpus* at any point on or in the vicinity of any military line between the city of Philadelphia and the city of Washington. Fifthly. He did, on the 3d day of May last, issue a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers, increasing the regular Army by the addition of twenty-two thousand seven hundred and fourteen men, and the Navy by an addition of eighteen thousand seamen. Sixthly. He did, on the 10th day of May last, issue a proclamation authorizing the commander of the forces of the United States on the coast of Florida to suspend the writ of *habeas corpus*, if necessary. All of which proclamations and orders have been submitted to this Congress. Now, therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the extraordinary acts, proclamations, and orders, heretofore mentioned, be, and the same are hereby, approved and declared to be in all respects legal and valid, to the same intent, and with the same effect, as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

The VICE PRESIDENT. The joint resolution is now before the Senate as in Committee of the Whole, and open to amendment.

Mr. CLARK. I move to amend the resolution by striking out on the second page, from the word "increasing," to the word "seamen," inclusive.

The words proposed to be stricken out are:

"Increasing the regular Army by the addition of twenty-two thousand seven hundred and fourteen men, and the Navy by an addition of eighteen thousand seamen."

So that the clause will read:

Fifthly. He did, on the 3d day of May last, issue a proclamation calling into the service of the United States forty-two thousand and thirty-four volunteers.

I make the motion because I understand that the increase of the Army and the increase of the Navy are to be provided for by another bill—not that I have any hostility to either of these measures, but they may be provided for there. I do not know that anything has been done towards increasing the Army or Navy, which must be necessarily made by law retroactive. If there has been anything of that kind done, Senators can inform us, so that we can see the necessity of the case.

Mr. WILSON. A plan has been arranged for the organization of eleven regiments for the Army. Officers have been appointed, commissioned with some qualifications, sent to certain points of the country, and money has been placed in their hands to fill up the ranks of the Army. In regard to filling up the Navy, I understand that of the eighteen thousand men ordered for the Navy several thousand have been enlisted, and are now in the employment of the Government. I do not think it wise to strike out this provision; I think it had better remain there. When we come to the bill for the organization of the Army, and when the Committee on Naval Affairs bring in a bill with regard to the Navy, we shall have full power to modify, direct, and control this whole question. I think we had better at present merely indorse and legalize what the Government has already done in the matter.

Mr. CLARK. The difficulty that I had about

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-SEVENTH CONGRESS, 1st Session.

WEDNESDAY, JULY 17, 1861.

NEW SERIES.....No. 9.

NAVAL ACADEMY AT NEWPORT.

Mr. SHEFFIELD presented resolutions from the General Assembly of Rhode Island with reference to the location of the Naval Academy at Newport; which were referred to the Committee on Naval Affairs.

GENERAL BANKRUPT LAW—AGAIN.

Mr. ROSCOE CONKLING. I offer the following resolution:

Resolved, That a select committee of five members of the House be appointed, to which shall be referred the subject of a general bankrupt law; and that said committee report at the next session by bill or otherwise.

I move the previous question on the passage of the resolution.

The previous question was seconded, and the main question ordered; and under its operation the resolution was agreed to.

Mr. ROSCOE CONKLING moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PROPOSITION FOR A NATIONAL CONVENTION.

Mr. WOOD. I offer the following resolution:

Resolved, That this Congress recommend the Governors of the several States to convene their Legislatures for the purpose of calling an election to select two delegates from each congressional district, to meet in general convention at Louisville, in Kentucky, on the first Monday in September next; the purpose of the said convention to be to devise measures for the restoration of peace to our country.

I move the previous question on its adoption.

Mr. WASHBURN. I move to lay the resolution on the table.

Mr. BURNETT. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 92, nays 51; as follows:

YEAS—Messrs. Aldrich, Alley, Appleton, Arnold, Ashley, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Buffinton, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Conway, Curtis, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fenton, Fessenden, Franchot, Gooch, Goodwin, Granger, Gurley, Hale, Hanchett, Harrison, Hickman, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Lansing, Loomis, Lovejoy, McKean, McKnight, McPherson, Mitchell, Moorhead, Justin S. Morrill, Nixon, Olin, Patton, Pike, Porter, Potter, John H. Rice, Riddle, Edward H. Rollins, Sedgwick, Shanks, Sheffield, Shellabarger, Sherman, Sloan, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Townbridge, Upton, Vandever, Van Horn, Van Valkenburgh, Van Wyck, Verree, Wall, Wallace, Charles W. Walton, E. P. Walton, Washburne, Wheeler, Albert S. White, and Windom—92.

NAYS—Messrs. Allen, Ancona, Joseph Bailly, George H. Browne, Burnett, Calvert, Cobb, Cooper, Corning, Cox, Cravens, Crittenden, Delaplaine, Dunlap, English, Fisher, Fouke, Grider, Haight, Harding, Holman, Jackson, Johnson, Law, Lazear, Logan, McClernand, Mallory, Morris, Noble, Noell, Norton, Nugen, Odell, George H. Pendleton, Reid, Richardson, Robinson, James S. Rollins, Smith, John B. Steele, William G. Steele, Vallandigham, Vibbard, Voorhees, Wadsworth, Ward, Chilton A. White, Wickliffe, Wood, and Woodruff—51.

So the resolution was laid on the table.

During the call of the roll,

Mr. DELANO stated that his colleagues, Mr. RICE and Mr. TRAIN, were detained from the House by sickness.

Mr. RIDDLE stated that his colleague, Mr. TRIMBLE, was detained from the House by sickness.

FOREIGN INSURRECTIONARY CORRESPONDENCE.

Mr. CORNING submitted the following resolution:

Resolved, That the President be requested, if not, in his opinion, incompatible with the public interest, to submit to this House all correspondence between this Government and foreign Powers on the subject of the existing insurrection in the United States.

Mr. COX. A similar resolution has already been adopted by the House; I will say to the gentleman from New York.

Mr. CORNING. I prefer that this should be adopted, if the House will indulge me.

The resolution was adopted.

DECLARATORY RESOLUTIONS.

Mr. OLIN submitted the following resolution:

Resolved, That the resolution of this House adopted on Monday, the 8th instant, restricting the business of the present extraordinary session to questions of immediate national interest, be so construed as to admit of the consideration only of practical measures of legislation on the subjects embraced in the message of the President and the reports of the several heads of Departments, and to exclude all resolutions of a merely declaratory nature; and that the Speaker be directed to rule as out of order all matters thus excluded, without waiting for points of order to be raised thereon.

Mr. HOLMAN. I rise to a question of order. That resolution changes the rule of the House, and is out of order.

The SPEAKER. The Chair sustains the question of order.

Mr. OLIN. Upon what ground? It does not change the rules.

The SPEAKER. The Chair thinks it does. It gives construction to a rule.

Mr. OLIN. That is not a change of a rule.

The SPEAKER. The Chair decides the resolution to be out of order. Does the gentleman appeal from his decision?

Mr. OLIN. I do.

The SPEAKER. The Chair has decided that the resolution submitted by the gentleman from New York changes a rule of the House; and, one day's notice being required, under the rules, to submit any proposition for a change of the rules, that the resolution is not in order. From this decision the gentleman from New York appeals; and the question is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. HOLMAN. I move to lay the appeal on the table.

Mr. OLIN. Will the Chair hear a single suggestion?

The SPEAKER. No debate is in order.

Mr. OLIN. I do not desire to debate, but simply to make a suggestion to the Chair.

The SPEAKER. Any suggestion is in the nature of debate, and is not in order.

Mr. ROSCOE CONKLING. I desire to make an inquiry of the Chair. I wish to know what rule of the House the resolution of my colleague repeals or modifies?

The SPEAKER. It gives construction to the resolution adopted on motion of the gentleman from Indiana, [Mr. HOLMAN,] the other day, confining the business of the House; which, having been adopted, becomes a rule of the House.

Mr. OLIN. It does not change that resolution at all.

The SPEAKER. No debate is in order.

The question was taken; and the appeal was laid on the table.

Mr. OLIN. I give notice that I will bring up the resolution to-morrow.

BANKRUPTCY.

Mr. WARD introduced a bill to establish a general and uniform system of bankruptcy throughout the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

STEAMER CATLINE.

Mr. VAN WYCK submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Departments and officers of the Government are hereby requested to withhold the payment of any and all moneys claimed to be due to any person or persons on account of the use or value of the steamboat Catline, until the committee of investigation shall report thereon.

CLERK TO A COMMITTEE.

Mr. VAN WYCK submitted the following resolution:

Resolved, That the committee appointed to examine in regard to contracts made by any of the Departments of the Government be authorized to employ a clerk at the usual rate of compensation.

Mr. BURNETT. For how long?

Mr. WASHBURN. During the sitting of the committee, I suppose.

Mr. BURNETT. If the time can be limited to the present session of Congress, I have no

objection. The committee has received no leave to sit during the recess of Congress, and I will not consent that a clerk shall be appointed to continue in office after our adjournment.

Mr. WASHBURN. I suggest to the gentleman that he withdraw his resolution.

Mr. VAN WYCK. Very well; I will withdraw it for the present.

PUNISHMENT OF CONSPIRACY.

Mr. HICKMAN. I present a bill to define and punish certain conspiracies, and ask that it may be put on its passage. I will state that it has received the sanction of the principal law officer of the Government, and also of the Committee on the Judiciary.

The bill was read for information. It provides that if two or more persons within any State or Territory shall conspire together to overthrow, or to put down, or to destroy by force, the Government of the United States; or to oppose by force the authority of the Government of the United States; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States, against the will, or contrary to the authority of the United States, or by force, or intimidation, or threat, to prevent any person from accepting or holding any office of trust, or place of confidence, under the United States, each and every person so offending shall be guilty of a high crime; and upon conviction thereof in any court of the United States having jurisdiction thereof, or district or supreme court of any Territory of the United States having jurisdiction thereof, shall be punished by a fine not less than \$500 and not more than \$5,000; or by imprisonment, solitary or social, and with or without hard labor, as the court shall determine, for a period not less than six months, nor greater than six years; or both such fine and imprisonment.

Mr. BURNETT. I do not understand that the gentleman can introduce that bill at this time and have it put upon its passage without unanimous consent; and I object.

The SPEAKER. The gentleman merely gave notice that he would move to put the bill on its passage.

Mr. BURNETT. I will not interpose any objection to the bill being put on its passage if it can be referred to the Committee on the Judiciary until it can be printed and we can have an opportunity to see it.

Mr. HICKMAN. That committee have already given the bill their assent, and it would be useless to refer it to them now.

Mr. BURNETT. I think it is too important a bill not to take the ordinary course of legislation.

Mr. HICKMAN. I will then withdraw the bill, and give notice that I shall move to suspend the rules to put it on its passage as soon as the morning hour has expired.

NATIONAL ARMORY.

Mr. BLAIR, of Pennsylvania, submitted the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national armory at some point on the Juniata river, in the State of Pennsylvania.

Mr. COX. I have no objection to that, if the gentleman will allow the inquiry to go to the special committee raised at the present session of Congress.

Mr. BLAIR, of Pennsylvania. I have no objection to that, and will so modify my resolution. The resolution, as modified, was adopted.

JACOB GATES.

Mr. BLAIR, of Pennsylvania, by unanimous consent, introduced a bill granting an invalid pension to Jacob Gates; which was read a first and second time, and referred to the Committee on Invalid Pensions.

METROPOLITAN POLICE.

Mr. CALVERT, by unanimous consent, in-

a railroad bill, it was referred directly to this body as in Committee of the Whole, and put upon the Calendar. An honorable Senator from Illinois, (Mr. Douglas,) who offered a bill, did the same thing with it; the two Senators from Texas did the same thing with their bills. They occupied a position on the Calendar, and at a specified time, when the Senate proceeded to consider the measure, all of them were brought before the body as in Committee of the Whole, the Senate regarding itself as a better judge—each gentleman having objections and criticisms to make—in the organization and forming of a proper bill, than any select committee. If the Senate revokes this rule I have no objection. It may be best, as a great many new members are on the floor, to do this, on the suggestion of my colleague that it is not his purpose to bring forward the measure during this session, and as it will give time during the recess to prepare and bring forward a bill, as perfect as any committee can make it, at the early portion of the next session. Having been present at the discussion of this question at the last session of Congress, and heard the objections made by Senators representing different sections of country, during the vacation I prepared a bill with a view to obviate those objections as much as possible; and it was my intention, if this body took up general legislation, to offer the measure at an early period; but the Senate having indicated its intention to take up no measure at this session except what immediately related to the troubles of the country, I of course did not bring forward this proposition; but if the resolution of my colleague be adopted, I give notice to the body that I shall to-morrow introduce the bill that I have prepared, in order that it may be referred to that committee, and by them considered, with any other schemes that may be brought before them, between this time and the opening of the next session of Congress.

Mr. McDougall. I regret that my colleague did not inform me that he had prepared a bill on this subject before I offered the resolution, and intimated my purpose. I do not understand him to object to the organization of a select committee.

Mr. LATHAM. Not at all.

Mr. McDougall. If I had known that he had prepared a bill, I should have preferred to let him introduce it in the first instance.

The motion to refer the resolution to a select committee was agreed to.

The VICE PRESIDENT. In what manner shall the committee be raised?

Mr. McDougall. By the Chair.

The VICE PRESIDENT. That will be considered as the sense of the Senate, if there be no objection.

Messrs. McDougall, Pomeroy, Clark, Polk, and Cowan, were appointed the committee.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were read twice by their titles, and referred as indicated below:

A bill (No. 35) to amend an act entitled "An act to establish an auxiliary watch for the protection of public and private property in the city of Washington, and for other purposes"—to the Committee on the District of Columbia.

A bill (No. 45) to define and punish certain conspiracies—to the Committee on the Judiciary.

SLOOP-OF-WAR LEVANT.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the bill (S. No. 21) for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war *Levant*, and for other purposes, have had the same under consideration, and have instructed me to report it back, with the recommendation that it pass; and I am further instructed to ask for its immediate consideration. It is the same bill that was passed when the *Albany* and the *Porpoise* were lost. It fixes a time when the vessel shall be considered lost, so that pensions may commence and pay may cease, and gives the relatives twelve months' pay. It is precisely the same provision the Government has been in the habit of making in the case of lost vessels for a number of years. I hope the bill will be passed at once.

By unanimous consent the bill was considered

as in Committee of the Whole. It designates the 30th of June, 1861, as the day on which the sloop-of-war *Levant* shall be considered as having foundered at sea, for the purpose of fixing the time at which shall commence the pensions, under existing laws, of the widows and orphans of officers, seamen, and marines who were lost on board that vessel. It also provides for giving twelve months' pay of any officer, seaman, or marine who perished on board the *Levant* to the widow, or child, or children of the deceased; or, in case there should be no widow or children, to the parent or parents; and if there be no parents living, to the brothers and sisters of those who perished on board the vessel.

The bill further provides that the proper accounting officers shall settle the accounts of Andrew J. Watson, late purser in the Navy, who was lost in the *Levant*, and allow him a credit for whatever sum appears to be due from him on the books of the Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. FESSENDEN. I ask the Senate to take up House bill No. 19, making additional appropriations for the naval service.

Mr. POWELL. If it is agreeable to the Senator from Maine, I should like to have the resolution which I offered yesterday, asking for information from the War Department, taken up and passed.

Mr. FESSENDEN. I would rather not give way. That resolution can be taken up after this bill is disposed of. There will be some debate on the resolution.

The motion of Mr. FESSENDEN was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 19) making additional appropriations for the naval service for the year ending the 30th of June, 1862, and appropriations of arrearages for the year ending the 30th of June, 1861.

The Committee on Finance reported the bill with several amendments. The first amendment of the committee was, in section one, in the appropriations for the navy-yard at New York, to strike out line one hundred and twelve, in the following words:

"For the extension of main sewer, \$800."

The amendment was agreed to.

The next amendment of the committee was, in line one hundred and thirty-one, of section one, making an appropriation for the navy-yard at Mare Island, to strike out "fifty," and insert "sixty;" so that it will read:

For repairs to floating-dock and other repairs in the yard, \$60,000.

The amendment was agreed to.

The next amendment of the committee was to insert, after line one hundred and thirty-one, under the head of "Mare Island," the following:

For machinery for machine shop, \$30,000.

The amendment was agreed to.

The VICE PRESIDENT. Those are all the amendments reported from the Committee on Finance.

Mr. GRIMES. I move to amend the bill by inserting, in line thirty-five of section two, after the word "dollars," the following:

And the Secretary of the Navy is hereby authorized to expend so much of the sums remaining in the Treasury on the 1st of July, 1861, to the credit of printing and publication of sailing directions, wind and current charts, astronomical observations, and hydrographical surveys, as may be necessary for completing the unfinished work left at the Observatory by the late superintendent.

I will state, Mr. President, that I have not examined into the merits of the proposition very much. I have submitted it solely upon the recommendation of the Committee on Naval Affairs of the House of Representatives, all of whose signatures are appended to a note connected with the amendment, saying that they neglected to add it to the bill in that House. It makes no additional appropriation, but merely authorizes the Secretary of the Navy to expend a sum of money already in his hands, unexpended, in the completing of certain charts and sailing directions, which are necessary at this time. The appropriation has already been made.

The amendment was agreed to.

Mr. GRIMES. I offer another amendment as an additional section:

And be it further enacted, That no patented article connected with marine engines shall be hereafter purchased, or attached to, or used in connection with, any steam vessels of war until the same shall have been submitted to and officially recommended in writing for purchase and use by a competent board of naval engineers.

The amendment was agreed to.

Mr. GRIMES. I have one more amendment to offer as an additional section:

And be it further enacted, That in case of a vacancy in the office of engineer-in-chief of the Navy the appointment thereto shall be made from the list of chief engineers.

Mr. FESSENDEN. I should like to have an explanation of the amendment. I did not object to the other one because that seemed to be necessary; but the Committee on Finance are very desirous to keep general legislation off these appropriation bills altogether. The other amendment seemed to be exceedingly important, and therefore I did not raise any objection to it.

Mr. GRIMES. My motive in introducing the amendment was simply this: whenever there is a vacancy in the office of the engineer-in-chief, there is always an effort made to appoint some man outside of the Navy, who has never had any connection with it, to that office. An effort of that kind was made in March last. Four years ago a similar effort was made, and it was also made four years preceding that. Now I simply wish that this engineer-in-chief shall always be appointed from the line of the service, from the number of chief engineers, that one of them shall be ranked up, who has had some experience, some familiarity, with the duties of the position. The amendment is right in itself.

Mr. FESSENDEN. I agree perfectly with the Senator from Iowa, that the amendment is right in itself; but, sir, I cannot agree that this is the right place to put it. There are half a dozen bills from the Senator's own committee—the Committee on Naval Affairs—connected with the organization and reorganization of the Navy in one way or another, now upon the table, all of which, or certainly some of which, will be acted upon. Upon one of those bills the amendment will be perfectly appropriate. Upon this it is entirely inappropriate; and it would be opening the door to a great many abuses which I wish to avoid as far as possible.

Mr. GRIMES. There is no bill reported that is appropriate.

Mr. FESSENDEN. Oh, yes; any bill in relation to naval affairs is appropriate. The amendment that was previously adopted had relation to the expenditure of money, was a saving of expenditure, and seemed to be in some degree appropriate to the bill, and therefore I did not object to it. This I consider to be entirely otherwise, and I really hope my friend from Iowa will withdraw it, and put it upon a bill where it more properly belongs. I think it is proper in itself; but if the door is opened to this legislation upon general subjects connected with the Navy upon these appropriation bills, we shall have difficulties over and over again in relation to it, as we have experienced heretofore; and I say now, sir, so far as I am concerned, I mean to oppose in every case, unless it is one of pressing necessity, which cannot be accomplished in any other way, this attempt to legislate on general subjects—subjects connected even with the bill under consideration—upon appropriation bills. I think we shall save a great deal of difficulty by inaugurating a new state of things in that regard. If the Senator from Iowa desires to have this amendment made, he is a member of the Committee on Naval Affairs, and that committee has half a dozen bills here, upon any one of which it might go, and therefore I hope it will not be put upon this bill.

Mr. GRIMES. My experience here has taught me that it is utterly futile to war against the chairman of the Committee on Finance. His eloquence and will and persistency are such that it is useless for me at any time to press any amendment that I may desire against his wishes; and therefore I withdraw the proposition, hoping that I shall receive his support when I offer it to some other bill.

Mr. HALE. I am instructed by the Committee on Naval Affairs to offer an amendment to the bill, as an additional section:

And be it further enacted, That the sum of \$8,000 be appropriated for the printing of one thousand sets of the watch

IN SENATE.

WEDNESDAY, July 24, 1861.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.
The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented the memorial of William S. Grant, representing that supplies furnished by him for the army in Arizona, under contract with the War Department, were seized by the Texan forces, and praying relief; which was referred to the Committee on Claims.

PROPOSED NATIONAL ARMORY.

Mr. TRUMBULL. I desire to present, for the purpose of reference to the committee having charge of the matter, a communication from the Common Council of the city of Alton, in the State of Illinois, setting forth the advantages of that point as a location for an armory. The communication shows that a commission appointed for the purpose of selecting a place in the West for an armory some years ago, consisting of General Armistead, Colonel Long, and Dr. Lawson, reported in favor of the city of Alton as a proper site for an armory; and among the reasons set forth are the location of that place upon the Mississippi river at a point at all times open to navigation, the abundance of coal in its vicinity, the health of the locality, the cheapness of property, and the fact that there are there at this time large foundries and machine shops which could be converted at once into manufactories of arms at a very trifling expense. I ask that the communication be referred to the committee having charge of that matter, which I believe is the Committee on Naval Affairs. I think other memorials on this subject have been referred to that committee.

The memorial was referred to the Committee on Naval Affairs.

LOCATION OF THE NAVAL ACADEMY.

Mr. FOSTER. I present the report of a committee appointed by the Common Council of the city of New London, Connecticut, to act upon the subject of the establishment of a naval depot or a naval school within the limits of the harbor of New London. The Senator from New Jersey [Mr. TEN Eyck] and the Senator from Rhode Island [Mr. ANTHONY] have already brought the question of the location of our Naval Academy to the attention of the Senate. Each of those Senators, in urging the claims of his particular State, indulged in a line of remark quite common with us all here when we speak of our own State. I am not aware that either of them said anything in this connection which was not eminently fit and proper. New Jersey and Rhode Island have each a historic fame, of which their representatives here, and everywhere, are justly entitled to be proud. But, sir, the State of Connecticut is entitled to be heard on this subject. She claims as fair a fame as belongs to each of these her sisters. She demands, and history awards to her, as bright a page as any on which are written the annals of our country.

In the report which I present, the advantages of the harbor of New London and its vicinity, as a location for our Naval School, are set forth briefly, but most convincingly; so that I content myself at present by asking that it be printed, and referred to the Committee on Naval Affairs.

Mr. HALE. Let the question of printing take the usual course. I do not want an exception made to our general rule.

Mr. FOSTER. The memorials presented by the other Senators were printed.

Mr. HALE. They were resolutions of Legislatures.

Mr. FOSTER. The Senator from Rhode Island presented a memorial from his Legislature, but the Senator from New Jersey did not. They were both printed.

Mr. HALE. I have no objection to the printing.
Mr. FOSTER. Then I beg the Senator not to make any, if he has none.

The PRESIDENT *pro tempore*. Memorials not coming from a State Legislature, under the rules of the Senate, on a motion to print, go to the Committee on Printing, unless by unanimous consent.

Mr. FOSTER. I ask that. It is less than a letter sheet.

Mr. HALE. If the others were printed, I shall not make an exception; but, if they were not printed, I shall object to the printing in this case.

Mr. FOSTER. They were printed.

The PRESIDENT *pro tempore*. By unanimous consent, the order to print is made; and a reference to the Committee on Naval Affairs is ordered.

OATH OF ALLEGIANCE.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of requiring an oath of allegiance and support of the Constitution of the United States to be administered to each military, naval, and civil officer and employé of the Government, whether such employment be permanent or temporary; and that the committee be instructed to report by bill or otherwise.

REPORTS FROM A COMMITTEE.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (S. No. 17) concerning the pay of the officers of the revenue cutter service, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 53) relative to the revenue marine, to fix the compensation of the officers thereof, and for other purposes, reported it without amendment.

WORLD'S FAIR.

The PRESIDENT *pro tempore*. If there be no further reports, the first business on the Calendar is the joint resolution (S. No. 9) relative to the exhibition of the industry of all nations, to be holden in London, in the year 1862.

The Senate proceeded, as in Committee of the Whole, to consider the joint resolution. It proposes to authorize the President to take such measures as shall to him seem best, to facilitate a proper representation of the industrial interests of the United States at the exhibition of the industry of all nations in London, in the year 1862; and to appropriate \$2,000 for the incidental expenses.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUNISHMENT OF CONSPIRACIES.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 45) to define and punish certain conspiracies, have instructed me to report it back to the Senate, with a recommendation that it do pass.

Mr. BAYARD. I ask permission from the Senate to submit the views of the minority of the committee against the passage of that bill. They are very short.

Mr. TRUMBULL. Of course, I have no objection to the Senator from Delaware presenting any views which he pleases; but I think it is unusual and unprecedented for a minority of a committee to present a report where there is no report of a majority. The bill is simply reported back to the Senate, with a recommendation that it pass; and I am aware of no instance where a minority, under such circumstances, have been allowed to make a minority report, to go among the reports of the Senate as from a committee, where there is no majority report. Of course the Senator from Delaware will present whatever views he thinks proper; but if he designs this as a minority report, I object to it as unprecedented. If it is the Senator's speech, of course I have nothing to say about it. He may present what views he pleases; but I object to its coming from the committee as a report in any shape, either minority or majority, he having no authority to make such a report according to parliamentary usage, as I understand the rules of parliamentary law and the uniform practice of the Senate since I have been a member of the body.

Mr. BAYARD. Mr. President, I am perfectly aware that, according to the usage and practice of the Senate, a minority cannot make a report at all; but it has been their usage to permit the views of the minority, always so called, to be presented to the Senate. In the House of Representatives the usage is invariable to call them all reports, and they are treated as reports. Our usage has been to permit a minority to present their views; but not being a collective action of the majority of the committee, it is not called a report.

The paper in question, though, is presented, in order merely to state the general objections to the passage of this bill. It will not be denied for a moment that where a majority make a report, in which they give their reasons and views in support of a bill, our invariable usage has been to permit the minority to state their views in opposition. But the honorable Senator says, that where a committee make no report, it is unprecedented to allow a minority to state the grounds of their objection, for that is all that is done. Now, it seems to me, in principle, that the right ought to obtain. If a majority report back the bill, that is a report; and if they do not see fit to state their reasons in support of it, why should the minority be precluded from stating the objections to it? In every case the views of the minority are presented by them as members of the committee, standing in contradistinction to their position as members of the Senate. I cannot see, in principle, any distinction between the two cases. My recollection is, that it has been permitted in the Senate; certainly it often has been in the House of Representatives.

I am not aware that precedents will be found similar exactly to this, for the very plain reason that it is seldom, if ever, where a committee divides upon principles in relation to a bill, especially a constitutional principle, that the majority do not make a report in support of the bill; but it seems to me clear that the reason which would give the right of a minority to present their views where there is a written report by the majority, (a practice which has grown up in the Senate within the last twenty years,) should also extend to a case of this kind.

Further, sir, let me state one great reason why I offered the views set forth in this paper—views which I think address themselves fairly, certainly to the courtesy of the Senate, if not to its sense of propriety. I have said to you, that though I am opposed to your policy, and think it erroneous, and that it will lead to no benefit to the country, I am not a man, against a decided majority, to interpose factious objections, with a view to annoy Senators in reference to the passage of bills, where I know the majority so will it. I believe you will do me the credit to say that such has been my course in reference to all your practical legislation at this session; but I excepted any bill which I supposed violated the Constitution of the United States. I have, therefore, together with my colleague on the committee, made a short statement of the views of objection to this bill in principle, which merely throws before the Senate for its consideration, without any pretense at argument, the grounds on which I suppose this bill ought not to pass, nor anything like this bill. I am at liberty to say, that though these views are not signed by the honorable Senator from Pennsylvania, [Mr. COWAN], he coincides in the objection to the bill on principle.

I think, under these circumstances, with a view to avoid debate, which I do not desire to enter into, in reference to this bill, when it is called up, with the bare statement of the general objections to it, that I might ask from the Senate fairly that they should suffer the paper to be read and printed as the views of the minority. Undoubtedly I have a right, as a member of the Senate, to read the paper as part of a speech; but I think that it is but fair to a minority of the committee, on a controverted question of principle, that they should have the privilege of submitting their views where they differ from the majority, though the majority may see fit only to report the bill, and not give their views in support of it. If the Senate refuse to grant this, of course I shall read the paper myself; but I cannot see that there can be any objection to the other course.

The PRESIDENT *pro tempore*. The Chair begs to state that this report having been made this morning cannot be considered except by unanimous consent; therefore there is no question before the Senate, except it be on the motion to print the paper presented by the Senator from Delaware, as expressing the views of a minority of the Committee on the Judiciary.

Mr. BAYARD. Does it require unanimous consent?

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the bill. If the Senator makes a motion to print the paper submitted by him, that presents a question before the Senate.

Mr. BAYARD. I make that motion. The PRESIDENT *pro tempore*. Then the question before the Senate is on the motion to print the paper presented by the Senator from Delaware, expressing the views of a minority of the Judiciary Committee.

Mr. TRUMBULL. I have no other desire than to get clearly before the Senate what the point is. It needs no argument. I shall be very glad to have the attention of the Senate for five minutes, to state what this question is. It does not involve what is in the bill at all. A bill was passed by the House of Representatives and sent to the Senate; it was referred to the Committee on the Judiciary; that committee have reported the bill back to the Senate, with a recommendation that it pass; that is the position in which it comes before the Senate. The Senator from Delaware comes in this morning and asks to submit the views of the minority of the committee. Now, for what purpose? Does the Senator from Delaware want to get his speech among the reports of the Senate? He can submit his views in opposition to the bill at any time; but he wants to make a minority report from a committee against a bill, where there is no majority report and the bill is simply reported back. I wish to call the attention of the Senate to the fact that they are about to establish a precedent by which every person upon all your committees, who is opposed to any bill that is before them, can write out and place in the form of a minority report his objections to the bill, and have them go among the reports of the Senate, to clutter your documents, instead of giving his views in the Senate in opposition to it.

What is the Senator from Delaware going to gain? What possible advantage will he accomplish by persisting that, instead of stating his views to the Senate, or reading them to the Senate, he shall put them in the form of a minority report from a committee? Will he accomplish anything by this? Why stickle for it? It certainly is unusual. I have stated that since my services in the Senate began, I have never known such an instance. The Senator from Delaware thinks there are such, though he refers to none. None has occurred within my recollection; but if this is allowed to be done, you have established the practice that any member of a committee may make a minority report against anything that is done, where there is no majority report. I do not think that that is a proper practice. I think we ought not to fall into it. I mean by this no discourtesy to the Senator from Delaware. His views will go before the Senate, and before the country. I have now simply presented the question to the consideration of the Senate, because I think it a bad innovation, setting a bad precedent, to allow minority reports to come from committees, where there are no majority reports, but bills are simply reported back, with a recommendation that they pass. That is a report from a committee, it is true; but it is verbal. There are no reasons given in such cases at all.

I think it would be better that we should pursue the practice heretofore adopted of members giving their views, but not in the shape of minority reports under such circumstances, and therefore I have objected to this paper being received as a minority report. The immediate question before the Senate is, whether it shall be printed? The question is, will you print the speech of the Senator from Delaware? for that is what it amounts to. It will be printed in the Globe if he reads it, but it would not be printed over again and go into the public documents. That is about all I can see in it; and really if the Senator from Delaware supposes it so important that his views should go upon the public documents and be printed at the expense of the Government, I do not know that I should feel like resisting his request if it was made for that purpose; but I do not like to make such an innovation, and I have therefore raised this objection. If the Senate has paid sufficient attention to see what the point is, it is all I desire to say upon it.

Mr. BAYARD. If this were intended as a speech on my part, of course I should not ask the Senate to turn my speech into a report. It is not a report, as I admitted distinctly; it is the views of the minority. In principle it is analogous to the practice that obtains in the British House of Commons and the British House of Lords, carried much further there; for on every bill which passes

there, those opposed to the bill are allowed to state succinctly "dissentient," with the general objections that they have to the bill. That is a free country as well as this, a country in which debate is fairly allowed and carried out. That is the universal practice, and has been the practice in both Houses in England for more than two hundred years. In the House of Representatives they allow a minority report in every case. In the Senate of the United States, we allow the "views of the minority" to be submitted. I have stated to the Senate that I am not able to turn to precedents, unless I have further time to search—I mean precedents connected with an exact case like this—but I have endeavored to show that it was within the principle.

The honorable Senator asks what advantage can there be in this course if every member is to be allowed, whenever he is opposed to a bill, as as a member of the committee that reports it, to put in an argument in opposition? This is not an argument. If it is necessary, I will read it for the information of the Senate, and they will see that it is not. It is a general statement of objections, and no more. Surely within the principle that I have stated to you exists in England, and in our own House of Representatives, in a country like ours, though the minority must submit to the majority, the minority ought to have a right, in reference to legislative matters, to put succinctly their objections to a measure on record. That is the basis of it; that is the principle on which I suppose it to be founded. I am perfectly aware that, in this or any other case, the Senate may refuse to let the objections be stated; and, if it were a long argument, or a vituperative one, or one calculated to inflame passions, one calculated to be obnoxious in the mode of argument to the majority, I think it probable—nay, I think they would be justifiable in rejecting it; but the paper which I have sent to the Clerk is simply a statement of general objections to the principle of the bill, in order to bring it before the minds of Senators, that they may see what are the questions involved in it. When I find a colleague on the committee agreeing with me, when I state it in the form of dissent from the report of the committee, I think it would not be reasonable on the part of the Senate, consistently with the character of our institutions and our form of Government, to prevent me from doing so. If the Senate will allow me—I presume I have the right to do it—in order to show that I am asking nothing unreasonable, I will read what it is that I propose to put on record; because then they can determine more properly whether they will refuse my request or not. I have endeavored to show that it is within the principle. The motion is to print it. I will read the views of the minority of the Committee on the Judiciary:

The undersigned, a minority of the members of the Committee on the Judiciary, to whom was referred House bill No. 45, entitled "An act to define and punish certain conspiracies," submit the following objections to the passage of the bill:

The Government of the United States is a Government of specially delegated powers; and though treason is one of the highest crimes known to the law, it is a political offense.

To guard against the abuses which in times of high excitement had, in the history of England previous to the revolution of 1688, too often sacrificed able, virtuous, and innocent men on charges of treason and kindred offenses, unaccompanied by acts, the Constitution of the United States expressly defines the crime of treason in the following terms:

ART. 3, SEC. 3. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

It further provides that "no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

The intent to restrict Congress in the creation of crimes of the nature created by this bill seems obvious; for in treason all are principals, and in any conspiracy of the kind stated in the bill, an overt act in pursuance of it, proved by two witnesses, would be treason against the United States.

Thus the creation of an offense, resting in intention alone, without overt act, would render nugatory the provision last quoted, and the door would be opened for those similar oppressions and cruelties which, under the excitement of political struggles, have so often disgraced the past history of the world. The undersigned can conceive no possible object in defining the crime of treason by our ancestors, and requiring proof by two witnesses to the same overt act to justify the conviction of the accused, unless it be to restrict the power of Congress in the creation of a political crime kindred to treason, and charged as resting in intent alone, which would, if accompanied by an overt act, be treason.

It matters not that the punishment prescribed in the law is not death, but imprisonment; for the passage of the bill, though it might not affect the life of an innocent man,

would give, from the uncertainty of the offense charged and the proof requisite to sustain it, the utmost latitude to prosecutions founded on personal enmity and political animosity and the suspicions as to intention which they inevitably engender.

The undersigned therefore protest against the passage of the bill.

This is signed by the Senator from Kentucky [Mr. POWELL] and by myself. There is the paper; it states the general objections. I hope the Senate will permit me to present it. If not, of course one of the great objects I had, which was to avoid discussion on this bill, will be frustrated. My purpose was to present these general objections to the Senate, let them weigh them and compare them with the bill, to see if they would not come to the conclusion that it was not within the intent of the Constitution that such a crime should be created. I wished the Senate also to weigh the effect of the creation of such a crime as conspiracy, which rests in intent only. It must necessarily give rise to great persecution, unless human nature, in excited times, is entirely altered from what it has been in the past history of the world. These are my only reasons for presenting this paper.

Mr. COLLAMER. I am very unwilling to be regarded as at all standing in the way of any member presenting his views in almost any form, and presenting them in such a way as to give them perpetuity, if possible, and a currency with the community more than the evanescent character of a speech; and yet it seems to me that there is very much weight in the objection of the Senator from Illinois. The attempt now made by the Senator from Delaware strikes me as being utterly unprecedented. There never was such a thing. I have no doubt precedents enough can be found for putting on the record protests, but not the protest of a minority of a committee. It is the protest of those who are the minority in the measure when you vote upon it. Protests of minorities are common—well known in parliamentary history. They have not been regarded in this country precisely in the same light as in England. Here it is considered that men protest by their votes, and they can put their votes on record, and the Constitution has regulated the manner in which those votes may be recorded by yeas and nays.

But without discussing that, I simply wish to have the attention of the Senate called to the peculiar character of this paper. I am not a member of the committee; I know nothing about the bill more than what suggests itself to me from the reading of the gentleman's protest; I have formed no opinion about it; I do not know whether I shall vote for it or against it; but a report of a minority of a committee is nothing but an appendage—a contingency to the report of the committee. A report that is made by a majority of a committee is not technically ever called the report of the majority; it is the report of the committee. The gentleman has often said that.

Mr. BAYARD. I admit it.

Mr. COLLAMER. But, *ex gratia* if you please, this body has allowed the minority of a committee to present their views; only, however, as an appendage to the report—a part and parcel of it—a contingency of it, belonging to it. Now, the gentleman presents a thing which he can hardly call the report of the minority, because there is no report of the committee to make it so; but it is a sort of protest, and he claims the right to present it under the principle of a protest—not the protest of a minority of the body, against whose votes a measure is passed, but the protest of a committee—a new thing altogether—a protest of a minority of a committee when the majority have made no report at all. When a committee, to whom a bill has been referred, report it back with a recommendation that it be passed, that recommendation goes for nothing, because, whether the committee so recommend or not, when the bill is reported, the question is, whether it shall be passed or not. The committee merely bring the bill back to the House. Then, in this case, the committee have made no report; they simply bring back the bill. The gentleman can find nothing in practice to warrant this, unless it be the analogy which he strives to draw from the protest of a minority of the body. If he cannot make that a parallelism, I think he is utterly unprecedented in what he attempts to do. I think the precedent would be a bad one. Every member of the Senate

GOVERNMENT CONTRACTS.

The first bill on the Calendar was the bill (S. No. 43) to prevent and punish fraud on the part of officers intrusted with the making of contracts for the Government, which the Senate proceeded to consider as in Committee of the Whole. It proposes to enact that it shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, immediately after the passage of this act, to cause and require every contract made by them, severally, on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof, a copy of which is to be filed by the officer making and signing the contract in the "Returns office" of the Department of the Interior (hereafter to be established for that purpose) as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, as also a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract are to be attached together by a ribbon and seal, and numbered in regular order numerically, according to the number of papers composing the whole return. It is to be the further duty of that officer, before making his return, to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me with ———; that I made the same fairly without any benefit or advantage to myself, or allowing any corruptly to the said ———, or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided." And any officer convicted of falsely and corruptly swearing to such affidavit, is to be subject to all the pains and penalties now by law inflicted for willful and corrupt perjury.

Any officer making contracts, and failing or neglecting to make returns of the same, unless from unavoidable accident and not within his control, is to be deemed, in every case of such failure or neglect, to be guilty of a misdemeanor, and, on conviction thereof, to be punished by a fine of not less than \$100, nor more than \$500, and be imprisoned for not more than six months, at the discretion of the court trying the same. It is to be the duty of the Secretary of the Interior to provide a fit and proper apartment in his Department, to be called the "Returns office," within which to file the returns thus to be required, and to appoint a clerk to attend to the same, who is to be entitled to an annual salary of \$1,200, and whose duty will be to file all returns made to that office, so that the same may be of easy access, filing all returns made by the same officer in the same place, and numbering them as they are made in numerical order. He is also to provide and keep an index book, with the names of the contracting parties, and the number of each and every contract opposite to the names; and to submit the index book and returns to any person desiring to inspect the same; and he is also to furnish copies of the returns to any person paying for them at the rate of five cents for every one hundred words, to which copies certificates are to be appended in every case by the clerk making the same, attesting their correctness, and that it is a full and complete copy of the return; which return, so certified under the seal of the Department, is to be evidence in all prosecutions under this act. It is to be the duty of the Secretary of War, and of the Secretary of the Navy, and of the Secretary of the Interior, immediately after the passage of this act, to furnish each and every officer severally appointed by them with authority to make contracts on behalf of the Government, with a printed letter of instructions, setting forth the duties of such officer under this act, and also to furnish therewith forms, printed in blank, of contracts to be made, and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible.

Mr. COWAN. I move that the bill be amended in the twentieth line of the fourth section, by striking out the word "its," and inserting the

word "their." This is a mere verbal correction.

The amendment was agreed to.

Mr. COWAN. In the third line of the fifth section, after the word "Navy," I move to insert the words, "and of the Secretary of the Interior;" so that it will read:

That it shall be the duty of the Secretary of War and of the Secretary of the Navy and of the Secretary of the Interior, immediately after the passage of this act, &c.

The object is to make it include the Department of the Interior as well as the War and Navy Departments.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COWAN. I ask, on the part of the Committee on the Judiciary, to whom was referred a bill (S. No. 22) for the protection of Government contracts, that the committee be now discharged from the further consideration of that bill, this being a substitute for it.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on bill (S. No. 2) to increase the present military establishment of the United States.

The message further announced that the House insists upon its amendments to the bill of the Senate (No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, disagreed to by the Senate, asks a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHARLES B. SEDGWICK of New York, Mr. ALEXANDER H. RICE of Massachusetts, and Mr. JAMES E. ENGLISH of Connecticut, managers at the same on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which thereupon received the signature of the President *pro tempore*:

A bill (H. R. No. 69) to indemnify the States for expenses incurred by them in defense of the United States;

A bill (H. R. No. 76) to provide for the payment of the police organized by the United States for the city of Baltimore, and to enable the Mint to furnish small gold coins, and to provide for the manufacture or purchase of field signals;

A joint resolution (S. No. 9) relative to the exhibition of the industry of all nations, to be held in London in the year 1863; and

A bill (H. R. No. 25) making additional appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1863, and appropriations of arrearsages for the year ending 30th of June, 1861.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, on the 24th instant, the following bills and joint resolution:

A bill (H. R. No. 17) authorizing the Secretary of the Treasury to remit fines and penalties incurred in certain cases;

A bill (H. R. No. 23) for the relief of certain musicians and soldiers stationed at Fort Sumter, in South Carolina;

A bill (H. R. No. 26) making additional appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1862, and appropriations of arrearsages for the year ending 30th of June, 1861;

A bill (H. R. No. 56) in relation to forwarding soldiers' letters;

A bill (H. R. No. 57) for the relief of the Ohio and other volunteers; and

A joint resolution (H. R. No. 1) authorizing the appointment of examiners to examine a steam floating battery at Hoboken, New Jersey.

APPROVAL OF PRESIDENTIAL ACTS.

The PRESIDENT *pro tempore*. The hour of one o'clock having arrived, the Chair calls up for consideration the special order of the day assigned

for that hour, which is the joint resolution (S. No. 1) to approve and confirm certain acts of the President of the United States, for suppressing insurrection and rebellion. The pending question is on the passage of the resolution; and on that question the Senator from Tennessee [Mr. Johnson] is entitled to the floor.

Mr. JOHNSON, of Tennessee. Mr. President, when I obtained the floor some time since, and made a motion for the postponement of this resolution, I did not obtain it for the purpose of addressing the Senate. I rise now, however, for the purpose of stating, if it meets the approbation of the Senate, that if the resolution is laid over until to-morrow at one o'clock, I shall make an effort to present some remarks in favor of its passage. If the Senate is anxious to have action upon it at once, I have no objection to their taking a vote on it now; and what little I have to say, I can say on some other proposition. If it meets the approbation of the Senate for it to go over until one o'clock to-morrow, I will make an effort to give my views at that time on the resolution, and the present crisis of the country. Whatever meets the views of the Senate will meet mine.

Several SENATORS. We have no objection to its going over.

Mr. JOHNSON, of Tennessee. Then, Mr. President, if it meets the approbation of the Senate, I move that the resolution be passed over until one o'clock to-morrow, and, God willing, I shall try to give my views on the subject then.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves to postpone the further consideration of the joint resolution until to-morrow at one o'clock, and that it be made the special order for that hour.

The motion was agreed to.

PUNISHMENT OF CONSPIRACIES.

The next bill on the Calendar was the bill (H. R. No. 45) to define and punish certain conspiracies; which the Senate proceeded to consider as in Committee of the Whole. It provides that if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force, the Government of the United States, or to levy war against the United States, or to oppose by force the authority of the Government of the United States; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States against the will, or contrary to the authority of the United States; or by force, or intimidation, or threat, to prevent any person from accepting or holding any office, or trust, or place of confidence, under the United States; each and every person so offending shall be guilty of a high crime, and upon conviction in any district or circuit court of the United States having jurisdiction, or district or supreme court of any Territory of the United States having jurisdiction, shall be punished by a fine not less than \$500 and not more than \$5,000; or by imprisonment, solitary or social, and with or without hard labor, as the court shall determine, for a period not less than six months nor greater than six years, or by both such fine and imprisonment.

The bill was reported to the Senate without amendment.

Mr. TRUMBULL. I desire to move a verbal amendment to the bill. I move to strike out, in the twenty-first line, the words "solitary or social, and;" so that it will read:

Or by imprisonment with or without hard labor, &c.

The PRESIDENT *pro tempore*. That modification will be made if there be no objection. The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

Mr. POWELL. I desire to present a protest of certain Senators against the passage of that bill. I send it to the table, and ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from Kentucky sends to the Secretary's desk the following paper; which will be read for information:

The Secretary proceeded to read it, as follows: Protest of the minority of the Senate of the United States against the passage of the House bill No. 45, entitled "An act to define and punish certain conspirators."

The undersigned, members of the Senate, dissent from the passage of the bill on the following grounds:

Mr. SUMNER. I would ask whether such a paper is in order?

The PRESIDENT *pro tempore*. The question of order cannot be raised on any paper until it is read for the information of the Senate.

Mr. SUMNER. The paper, by its title, shows that—

The PRESIDENT *pro tempore*. The Chair decides it to be in order at present.

The Secretary continued the reading, as follows:

The Government of the United States is a Government of specially delegated powers; and though treason is one of the highest crimes known to the law, it is a political offense.

To guard against the abuses which in times of high excitement had, in the history of England previous to the revolution of 1688, too often sacrificed able, virtuous, and innocent men on charges of treason and kindred offenses, unaccompanied by acts, the Constitution of the United States expressly defines the crime of treason in the following terms:

ART. 3, SEC. 3. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

It further provides that "no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

The intent to restrict Congress in the creation of crimes of the nature created by this bill seems obvious; for in treason all are principals, and in any conspiracy of the kind stated in the bill, an overt act in pursuance of it, proved by two witnesses, would be treason against the United States.

Thus the creation of an offense, resting in intention alone, without overt act, would render nugatory the provision last quoted, and the door would be opened for those similar oppressions and cruelties which, under the excitement of political struggles, have so often disgraced the past history of the world. The undersigned can conceive no possible object in defining the crime of treason by our ancestors, and requiring proof by two witnesses to the same overt act to justify the conviction of the accused, unless it be to restrict the power of Congress in the creation of a political crime kindred to treason, and charged as resting in intent alone, which would, if accompanied by an overt act, be treason.

It matters not that the punishment prescribed in the law is not death, but imprisonment; for the passage of the bill, though it might not affect the life of an innocent man, would give, from the uncertainty of the offense charged, and the proof requisite to sustain it, the utmost latitude to prosecutions founded on personal enmity and political animosity and the suspicions as to intention which they inevitably engender.

JAMES A. BAYARD,
L. W. POWELL,
J. D. BRIGHT,
W. SAULSBURY,
TRUSTEN POLK,
J. A. PEARCE,
A. KENNEDY,
JOHN C. BRECKINRIDGE,
WALDO P. JOHNSON.

Mr. TRUMBULL. I do not know what the practice of the Senate has been in regard to papers of this kind. I have no sort of objection to gentlemen who are opposed to this bill presenting their views in any shape which they may desire, so that it is not inconsistent with the ordinary rules and proceedings of the Senate. If they suppose they can make the people of the United States believe, or have persuaded themselves, that the Congress of the United States have no right to punish persons who conspire together for the purpose of seizing public property, because there is such a crime as treason, I certainly have no objection to their making that effort. Now, sir, I do not suppose it would constitute treason if half a dozen persons conspired together to seize an article of property belonging to the United States. That is not what I understand to be treason. That consists in levying war against the United States, or aiding and abetting its enemies in time of war. This bill provides punishment against persons who conspire together for the purpose of seizing any property of the United States, or who come together or purpose, by force, or intimidation, or threat, to prevent any person from accepting or holding an office under the Government of the United States. I do not suppose that constitutes treason. I do not suppose, if they carried it out, that you could indict them for the overt act of treason. Suppose a land officer in one of our Territories, where there is a great deal of excitement in regard to the entry of public land, is driven off by the settlers who are opposed to any sale of the public lands taking place; suppose a number of the settlers meet together, and, by threats and intimidation, deter the officer from performing his duty: I would like to know if the Senator from Kentucky who presents this protest would call that treason?

Not long ago, I think, a case occurred somewhere in the State of Missouri, where a number of persons, by threats of violence and intimidation, prevented a postmaster from performing the duties of his office. I think that those persons

ought to be punished; but I do not suppose it was treason on their part; and for my life I cannot see the similitude between the offense here provided against and that of treason. The object of this bill is not under another name to punish traitors, but it is to punish persons who conspire together to commit offenses against the United States not analogous to treason. In the very case I have instanced, you could not punish those parties for treason when they had carried out their purpose. Take the very case that occurred at St. Joseph, in the State of Missouri, where a number of men got together and by threats and intimidation drove off the postmaster and would not let him discharge his duties; I should like to know if you could indict and convict those persons for treason. Other instances have occurred where route agents upon some of the railroads have been deterred from performing their duties.

That, however, is not the question before the Senate; and in fact I scarcely know what the question before the Senate is. I am not aware whether the Senator from Kentucky made any motion at all. We have already passed the bill, and the Senator from Kentucky has presented a paper, for the consideration of the Senate, I suppose, in some shape; but what his precise motion was, I am not advised.

Mr. POWELL. The motion is, that the protest be entered upon the Journal of the Senate.

Mr. TRUMBULL. I understand, then, the motion of the Senator from Kentucky to be, to enter upon the Journal of the Senate his reasons why he thinks this bill ought not to be passed. Is there any precedent for such a proceeding as that? Is it usual? Has it ever been done? If there is any precedent for it, I have no objection to it; but if it is an innovation, and the adoption of a new practice in the Senate of the United States, for members who are opposed to the passage of a bill, after it has passed, to come in with a written speech against its passage and place it upon the Journal, I am opposed to establishing that precedent now. As I am not aware of any precedent, or any authority for such a proceeding, I should like to be referred to one, if there is one.

Mr. POWELL. It is not my purpose to reply to the arguments of the Senator from Illinois. If the Senate were always to consider the matter contained in a paper presented in the shape of a protest, when the only question pending is as to whether the protest shall be entered on the Journal, I suppose no protest ever would be entered; because, of course, the majority do not concur in the opinions and reasons set forth by the minority. I believe that it has been usual to allow the minority in cases like this to have their protest entered on the Journal. I understand from Senators, who have long served in this body, that it has been done on more occasions than one; and in conformity with that custom, the minority in this case desire to have their protest against the passage of this bill entered on the Journal of the Senate. I hope it will be done.

The PRESIDENT *pro tempore*. The question is upon the motion of the Senator from Kentucky, that this protest be entered on the Journal of the Senate.

Mr. BRIGHT. I suggest that as the paper was prepared by the Senator from Delaware, [Mr. BAYARD,] who is not in his seat, there will be great propriety in allowing the question to rest until he comes in, if there is opposition to the motion that is made to enter it upon the Journal. I think he ought to be allowed to state the reasons for preparing the paper. Let the question lie over until he shall be in his seat.

Mr. COLLAMER. The words of the paper, I believe, are respectful enough; I do not see anything improper in them; and I shall not object to the delay which is asked being granted for the purpose of enabling the Senator from Delaware to furnish us a precedent for this proceeding, if he can. I have understood that in our country, where the right to call for the yeas and nays and enter them on the record is secured by the Constitution, the entering of a protest is not a matter of course at all, but has always been protested against. If, however, a precedent can be found, I shall submit to it; otherwise, I shall not.

Mr. BRIGHT. I recollect distinctly that protests have been offered since I have been a member of this body—two certainly. Whether they have been spread on the Journal, I do not know.

However, I suggest that the matter lie over until the Senator from Delaware shall come in. That, I think, is due to him.

Mr. TRUMBULL. I hope that course will be taken, and let the precedents be looked into. If the request made in this case is usual in the Senate, I have no objection to its being granted.

Mr. POWELL. I have no objection to its lying over until to-morrow.

The PRESIDENT *pro tempore*. There being no objection to the course suggested, the paper presented by the Senator from Kentucky will lie over for further consideration until to-morrow.

ARMORED SHIPS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 36) to provide for the construction of one or more armored ships and floating batteries, and for other purposes, disagreed to by the Senate and insisted on by the House; and,

On motion of Mr. HALE, it was

Resolved, That the Senate insist on its disagreement to the amendments of the House of Representatives to the said bill, insisted on by the House, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

On motion of Mr. HALE, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. HALE, Mr. GRIMES, and Mr. THOMSON, were appointed.

SUPPRESSION OF REBELLION.

The PRESIDENT *pro tempore*. The next bill in order on the Calendar is the bill (H. R. No. 20) to provide for the suppression of rebellion against, and resistance to, the laws of the United States, and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," &c., passed February 28, 1795; which is before the Senate as in Committee of the Whole.

The bill provides that whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory of the United States, it shall be lawful for the President to call forth the militia of any or all the States of the Union, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion. Whenever, in the judgment of the President, it may be necessary to use the military force thus directed to be employed and called forth by him, he is forthwith, by proclamation, to command the insurgents to disperse and retire peaceably to their respective abodes within a limited time. The militia so called into the service of the United States are to be subject to the same rules and articles of war as the troops of the United States, and be continued in service until discharged by proclamation of the President; but such continuance in service is not to extend beyond sixty days after the commencement of the next regular session of Congress, unless Congress shall expressly provide by law therefor. Every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States in the cases recited in the bill, is to forfeit a sum not exceeding one year's pay and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer is to be liable to be cashiered by a sentence of court-martial, and to be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the court; and such non-commissioned officer and private are to be liable to imprisonment, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every twenty-five dollars of the fine. Courts-martial for the trial of militia are to be composed of militia officers only.

The bill further provides that marshals of the several districts of the United States, and their deputies, shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several States have, by law, in executing the laws of their respective States. It also repeals sections two, three, and four, of the

enter the Narrows at New York. I have no doubt about it.

As to its being a failure, I think my friend from Maine, if he was not so very much prejudiced against this battery, if he would only look at it—he was at my house a few minutes, but disdained to cast his eye at it, and so with my friend from Iowa—I am sure those gentlemen would change their minds, and be satisfied that this was the greatest invention ever made in our country for the protection of our ports.

Mr. GRIMES. As the Senator from New Jersey has alluded to Commodore Gregory, it is due to him that I should say that he did not volunteer any expression of opinion on this subject. It so happens that for two or three years I have been in the habit of reading everything that I have seen or come across anywhere on the subject of iron-clad ships; and on my way hither recently, from my residence in the West, I sought all the information I could when in the city of New York and in Brooklyn on this subject. Whilst at the Brooklyn navy-yard, I came across Commodore Gregory. I had understood that he was the last officer of the Navy who had been connected with the superintendency of our ships.

Mr. THOMSON. That is a mistake.

Mr. GRIMES. I certainly so understood; I think from him, but perhaps not. In answer to inquiries that I addressed to him, knowing something about the method in which these ships had been built elsewhere, and the experiments that had been made on the continent of Europe and in England, his conclusion was that it was of very little value to the Government, and he thought would never be able to float. He thought it would never get as far as the Narrows.

Mr. McDOUGALL. As a member of the Committee on Naval Affairs, my attention was called to this matter some time since; and while I probably am not as well advised as the Senator from Iowa and other gentlemen as to naval architecture or the service ships may do at sea, upon bestowing on this particular thing all the attention that my time permitted, with all the knowledge I have of matters of that kind, I was strongly impressed with the idea that this might be a great success.

The Senator from Iowa speaks of the opinions of men connected with the naval service. There are a class of men, both in the Army and Navy, who are opposed to everything in the way of progress, and particularly everything that is more destructive than the implements in use a thousand years ago. I think that has prevented our advancement in the machinery of war. I am satisfied that it has done so for years past; and I think one of the difficulties we labor under now is that we have not yet adopted even the improvements that are recognized in Europe, and well understood among men of science in this country. All that is proposed, at most, although that is not proposed, is that an experiment be tried. The experiment is to be passed upon by a commission of scientific men—I suppose men selected for the highest science. I would rather defer to such a committee for a matter of this kind than to any committee of the Senate or House of Representatives; and there can be no expenditure until they have ascertained whether, upon scientific principles, the expenditure of money in completing this floating battery will secure success.

I think that at this time we ought not to be tender-footed about trying to place ourselves on the best war footing. This ship is not intended to go off cruising in distant seas; but I understand that she can be made serviceable all along the coast of the country anywhere, where she can be within ten days, or five days, or six days, of a port where she can coal. She can be made useful, if required in the harbor of New Orleans, if required in the harbor of Charleston, as well as in the harbor of New York. There is no question but that she can cruise along from one end of the country to the other on the Atlantic side; and as this is simply, at most, to try and see whether the experiment can be made a success, and it is to be placed in the hands of scientific men, I do not see the objection to it at this time, when we require all the strength we can bring into the service.

Mr. BRECKINRIDGE. I regret to observe these disagreements, sir. It seems to me that the chief opposition to this report comes from gentlemen from the Northwest, who, from their interior

position, do not happen to take that interest in the Navy which they ought; and from gentlemen from New England who have an idea that nothing can be conceived or perfected outside of that latitude. I ought to except the Senator who reported this amendment; but, however, he lives inland, and therefore is to be excused.

Now, sir, I know nothing of this. I have heard of it ever since I was in the House of Representatives seven or eight years ago. I have never seen the vessel; I have never seen anybody that ever did see it; but, in the present plethoric condition of the Treasury, and prosperous state of the country, I cannot see much objection to experimenting to the tune of \$800,000, just to see whether steel-clad or iron-clad steamers can resist solid shot. If it turns out that they can, we shall have demonstrated that which no other nation in the world has been able to demonstrate; and I think we may well throw a little of our surplus in that direction.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The question being taken by yeas and nays, resulted—yeas 18, nays 16; as follows:

YEAS—Messrs. Anthony, Breckinridge, Chandler, Colamer, Dixon, Doolittle, Foot, Hale, Harris, Lane of Indiana, Lane of Kansas, McDougall, Pomeroy, Powell, Saulsbury, Simmons, Ten Eyck, and Thomson—18.

NAYS—Messrs. Bingham, Browning, Carlile, Clark, Fessenden, Foster, Grimes, Harlan, Howe, Morrill, Sherman, Sumner, Trumbull, Wilkinson, Wilmot, and Wilson—16.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. FESSENDEN. I move that the Senate adjourn.

Mr. HOWE. Allow me to make a personal explanation before the Senate adjourns.

Mr. FESSENDEN. You can do it when the Senate is full.

Mr. DIXON. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 17; as follows:

YEAS—Messrs. Bingham, Browning, Carlile, Clark, Fessenden, Foot, Foster, Grimes, Harris, Morrill, Powell, Saulsbury, Sherman, Simmons, Trumbull, and Wilmot—16.

NAYS—Messrs. Anthony, Chandler, Dixon, Doolittle, Hale, Harlan, Howe, King, Lane of Indiana, Lane of Kansas, McDougall, Pomeroy, Sumner, Ten Eyck, Thomson, Wilkinson, and Wilson—17.

The PRESIDING OFFICER. The Senate refuses to adjourn; but there is no quorum voting.

Mr. GRIMES. I move that the Senate now proceed to the consideration of executive business.

The PRESIDING OFFICER. The Chair can entertain no motion of that description while a quorum is absent.

Mr. POWELL. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 30, 1861.

The House met at twelve o'clock, m. Prayer by Rev. Dr. BUDINGTON, of Brooklyn, New York.

The Journal of yesterday was read and approved.

BALTIMORE POLICE COMMISSIONERS.

The SPEAKER laid before the House a message from the President of the United States, in response to the resolution of the House of the 24th instant, asking the grounds, reasons, and evidence upon which the police commissioners of Baltimore were arrested and are now detained prisoners at Fort McHenry, stating that it is judged to be incompatible with the public interest to furnish said information; which was laid on the table, and ordered to be printed.

Mr. COLFAX moved to reconsider the vote by which the message was ordered to be printed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ADDITIONAL REVENUE BILL.

Mr. FENTON. I ask the consent of the House to say that if I had been present yesterday I should have voted in the affirmative on the passage of the tax bill. I was unavoidably absent in the city of New York.

PUNISHMENT OF CONSPIRACIES.

Mr. BINGHAM, from the Committee on the Judiciary, reported back House bill No. 45, to define and punish certain conspiracies, with the amendment of the Senate thereto, and with the recommendation that the amendment of the Senate be concurred in.

The amendment provides for striking out, after the word "imprisonment," the words "solitary or social, and."

The amendment was concurred in.

MILITARY ACADEMY.

Mr. OLIN, from the Committee on Military Affairs, reported a bill to increase the number of cadets in the Military Academy at West Point; which was read a first and second time.

Mr. OLIN. I wish that the bill may now be put on its passage. I think there is not a single member of the House who shall listen to the reading of the bill, and who understands the existing condition of things at the Military Academy, but will vote for the bill.

The SPEAKER. It is not in order to discuss the bill until it has been read.

Mr. OLIN. I ask, then, that the bill be read.

The bill was read. It provides that there shall be added to the corps of cadets of the Military Academy at West Point a number equal to the number of Senators and Representatives in Congress, to be selected from the States on the recommendation of the Representatives, as prescribed by former laws; provided, that when districts shall neglect or refuse to send Representatives to Congress, the President shall have power to fill vacancies in the corps of cadets corresponding to the representation in such districts. That all cadets now in the service, or hereafter entering the Military Academy at West Point, shall be called on to take and subscribe to the following oath: "I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the national Government; that I will maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will, at all times, obey the legal orders of my superior officers, and the rules and articles governing the armies of the United States;" and any cadet or candidate for admission who shall refuse to take this oath, shall be dismissed or rejected from the service. That any graduate of the United States Military Academy at West Point who shall at any time hereafter take up arms against the United States, shall be deemed guilty of desertion, and upon conviction shall suffer death. That when cadets are found deficient in their studies or duties, they shall be dismissed, unless otherwise recommended by the academic board.

Mr. OLIN. The provision of this bill, it will be seen, allows each member of Congress to nominate another cadet to the Military Academy at West Point, and further providing that in districts that shall not be represented in the House the President may fill, on his own nomination, the vacancies so created.

It contains another provision which authorizes the administering of an oath to every cadet who may be proposed for admission into the Academy, that they will bear true allegiance to the United States; and further providing that when educated at the Military Academy at West Point, and having taken that oath, whether he be an officer of the Army, or having resigned his commission in the Army and retired to civil life, if he takes up arms against the Government of the United States, he shall be deemed a deserter, and, upon conviction, suffer death. It further contains a provision authorizing the administration of an oath to every man that enters the service of the United States Army, to bear true allegiance to the United States Government. These are, substantially, the provisions of the bill.

Mr. WRIGHT. I wish, with the consent of the gentleman, to ask a single question.

Mr. OLIN. In a moment. This bill, as I understand it, will have the effect only just about to fill up the Academy to the ordinary number of cadets that usually compose the full number in this school. The House is probably aware that there have already been graduated two classes during the present year, and that it is proposed to graduate another class before the expiration of

CONSULAR FEES.

Mr. ELIOT. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 64, to reduce the consular fees for vessels running to or between foreign ports.

There being no objection, the bill was taken from the Speaker's table, and read a first and second time by its title.

The bill provides that American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in one year.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ENROLLED BILL.

Mr. GRANGER, from the Committee on Enrolled Bills, reported as truly enrolled an act to amend an act entitled "An act supplementary to an act entitled 'An act to provide for a Navy peace establishment, and for other purposes,'" passed March 27, 1804; when the Speaker signed the same.

FORTIFICATIONS.

A bill (S. No. 63) making appropriations for fortifications, and for other purposes, was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee of Ways and Means.

VOLUNTEER FORCES.

A bill (S. No. 44) to promote the efficiency of the volunteer forces of the United States was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Military Affairs.

PERSONAL EXPLANATION.

Mr. RICHARDSON. Mr. Speaker, I ask the unanimous consent of the House to state very succinctly what I desire to bring before the House in reference to the subject referred to by the gentleman from Missouri, [Mr. BLAIR.]

No objection was made.

Mr. RICHARDSON. Mr. Speaker, the statement of the conversation between the President and General Scott, which I made the other day, was assented to by all the gentlemen who were present at the interview. I say that in the remarks I then submitted it was no part of my purpose to make, nor did I make, any assault upon the President of the United States. I rose, sir, for the purpose of asking my countrymen to have confidence in some of our public men. Authority is conferred on the President, and he was constitutionally elected to his high office. I desired that the public mind should center round some person by whom we might preserve this Government. It was no part of my purpose, but on the contrary, it was in violation of my plan, to assail the President.

Mr. BLAIR, of Missouri. With the gentleman's permission, I will call his attention to what he did say, and what he is reported to have said: that the President, Abraham Lincoln, was a very honest man if let alone; but that he was surrounded by wily politicians, and that he had not the will or the courage to stand up against them.

Mr. RICHARDSON. Possibly my ideas were not so well expressed as they might have been. I wish they had been better expressed. If my meaning has been misunderstood because my language was unhappy, I regret it. If gentlemen will recollect what occurred prior to that time, it will not be difficult for them to properly interpret my intention. On that occasion, the gentleman from Iowa [Mr. CURTIS] had pressed upon me to know who it was whom I charged as having forced this thing on the Commanding General of the United States. I stated distinctly that it was that class of politicians headed by Mr. Greeley who were urging our people "forward to Richmond."

Mr. BLAIR, of Missouri. If the gentleman will permit me to say so, "General Greeley," as he is called, has had the manliness not to go whimpering around the country, and laying his faults on other people.

Mr. RICHARDSON. For once, I accord credit to him for the course he has taken. I have only risen for the purpose of relieving this whole controversy from any misunderstanding, if any existed. I thought, when I stated, the other day, the conversation with General Scott, in the hearing

of members who were present when the conversation occurred, that as they did not dissent from my statement, it was satisfactory to them all, and their silence indorsed it. If my statement was not correct, I regret it. In my remarks at that time, I intended simply to state facts, and trusted in the good judgment of the people to deduce legitimate conclusions therefrom; and I am not responsible for the conclusions arrived at by any person or persons, unless they may be justly and logically drawn from the facts then stated. The other day I merely expressed a fear that the President had not the will to withstand the assaults and the machinations of the wily politicians by whom he is often surrounded.

Mr. BLAIR, of Missouri. I should like to call the attention of the gentleman from Illinois—

The SPEAKER. The gentleman from Missouri asks the consent of the House to make a further statement.

Mr. BLAIR, of Missouri. Never mind. Let it go.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. HAY, his Private Secretary, notifying the House that he had approved and signed an act (H. R. No. 45) to define and punish certain conspiracies; and

An act (H. R. No. 87) making an appropriation for the purchase of arms for the volunteers and regular troops of the United States.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. PATTON, one of its clerks, notifying the House that the Senate had agreed to the report of the committee of conference on the bill supplementary to an act entitled "An act to authorize a national loan, and for other purposes."

MILITARY ESTABLISHMENT.

Mr. BLAIR, of Missouri, presented the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 3) providing for the better organization of the military establishment, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendments to the bill of the Senate, and agree to the bill, with the following amendments:

On page 1, section two, line seven, after the word "cavalry," strike out, as follows: "eight assistant adjutants general, six commissaries of subsistence, four quartermasters, and twenty assistant quartermasters."

On page 1, section two, line thirteen, after the word "establishment," strike out as follows: "and to hold their offices for three years, unless sooner discharged;" and in lieu thereof add all after the enacting clause of the second section of the amendments of the House to the Senate bill.

On page 1, section three, line three, after the word "engineers," strike out as follows: "and to the Ordnance department."

On page 2, section three, at the end of the section add all after the enacting clauses of sections three and four of the amendments of the House to the Senate bill.

On page 4, section eight, at the end of the section add the second proviso of section eleven of the amendments of the House to the Senate bill.

On page 7, section seventeen, line eight, after the word "pay," insert "and emoluments."

On page 10, section twenty, line five, after the word "Register," insert "or Navy Register, as the case may be."

Sections eleven, sixteen, twenty-two, twenty-four, and twenty-five. Strike out all of sections eleven, sixteen, twenty-two, twenty-four, and twenty-five, of the Senate bill.

Section fourteen, at the end of the section add as follows: "Provided, That after the present insurrection shall cease, the ration shall be as provided by law and regulations on the 1st day of July, 1861."

Section eighteen, line ten, after the word "pay," insert "and emoluments;" and in the same line, after the word "namely," add as follows: "the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: Provided, That should the Brevet Lieutenant General be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances: And provided further, That there shall not be on the retired list, at any one time, more than seven per centum of the whole number of officers of the Army, as fixed by law."

Section nineteen: strike out section nineteen of the Senate bill, and in lieu thereof insert all of section twenty of the amendments of the House to the Senate bill, with the following amendments to said amendment, namely: in line three of said amendment, after the word "pay," insert "or Secretary of the Navy, as the case may be;" and in line five of said amendment of the House, after the word "board," strike out "of the medical staff," and in lieu thereof insert "of not more than nine nor less than five

commissioned officers, two-fifths of whom shall be of the medical staff; the board, except those taken from the medical staff, to be composed, as far as may be, of his seniors in rank."

Section twenty-six, line eight, after the word "pay," insert "and emoluments."

Section twenty-seven, line nine, after the word "pay," insert "and emoluments;" in line thirty-four, after the word "dollars," insert "and with four rations per day to each of the above-named officers of the Navy, to be commuted at thirty cents each ration; and in line forty-seven, page 14, strike out all after the word "officer" to the end of the section.

Section twenty-eight, line fourteen, after the word "officers," insert as follows: "two-fifths of whom shall be members of the medical bureau of the Navy; the board, except those taken from the medical bureau."

That the Senate do concur in the foregoing amendments to the bill.

HENRY WILSON,
J. McDOUGALL,

I agree to this report except to the proposed increase of the staff of the Army.

JOHN SHERMAN,
Managers on the part of the Senate.

FRANCIS P. BLAIR, Jr.,
J. S. JACKSON,

WILLIAM D. KELLEY,
Managers on the part of the House.

Mr. BLAIR, of Missouri. Mr. Speaker, it will be recollected by the House that a committee of conference on this same bill made a report a few days ago, which was agreed to in the House, but which was disagreed to in the Senate. The only difference between the report that we now make and the one agreed to by the House on the former occasion is in three particulars. One is, that the House has receded from the clause which was in the House bill in regard to rations, and have acceded to the clause in the Senate bill increasing the soldiers' rations somewhat—I believe about two cents a day. It was insisted on by the Senate that the present rations were insufficient, especially for irregular troops, who had not habituated themselves to taking good care of their provisions. Under their representations the managers on the part of the House gave way, and acceded to the Senate proposition. They also acceded to an amendment offered on the part of the Senate in reference to the pay and emoluments of the Lieutenant General in case he should retire from the service, leaving him the same pay as if he had remained in the Army and in active service.

In other respects, neither the provisions contained in the House amendment, nor those contained in the Senate bill, in reference to the pay of retiring officers of the Army or Navy, were retained; but we undertook to strike a difference between the two. Formerly, and in the bill as passed by the House, Army and Navy officers retiring from service were allowed their grade pay proper and their service rations, and for a servant. The section in the Senate bill on the subject requires them to be retired simply on their pay proper, and on the schedule for the pay of the Navy officers, which made it equal to that allowed to the Army officers, without service rations, and without a servant's rations. We have agreed on a modification, so as to give the pay proper to the Army officers, and the schedule of pay fixed in the Navy bill to the Navy officers, with an increase of four rations a day, or \$1 20, which is about half of what the service rations would amount to.

That is the way we compromised the matter; and these are the only differences, according to my recollection, existing between the report as now made and the report adopted by the House the other day.

Mr. OLIN. Mr. Speaker, great difficulty was experienced, not only in the committee of the House, but, possibly, also in the committee of the Senate, in relation to this measure. It is one of great delicacy and importance, and, as I understand the provisions of the bill agreed upon by the last committee of conference on the subject of retiring the officers of the regular Army from the service of the country, it makes an exception in favor of the Lieutenant General. I have no disposition to say one word in derogation of his distinguished services, or to oppose any exhibition of gratitude that may be made on the part of Congress toward General Scott. He served gallantly in the war of 1812. He has spent his entire life in the service of the country; and, so far as I am concerned, whenever an officer has, like General Scott, devoted the best energies of his mind and body to the service of his country, and always with distinguished honor, I would never consent to see him, when disabled by age, retiring to private life, without the full pay and emoluments to

to define it; therefore we must take it from the objects that are contemplated in it. One of the objects is to have an officer to preside over your proceedings when you are in session. A further object also, as we know the Constitution authorizes it, is that, in the event of the death of the Vice President and of the President of the United States, there may be an officer to exercise the executive functions. That is the construction which has hitherto been given. Why should we depart from it when the effect of this resolution is, as it seems to me, directly in the face of the character of the office as described in the Constitution? An officer is elected for the time being. No one can deny that there cannot be two Presidents of the Senate at one and the same time. Suppose a President *pro tempore* were chosen at the beginning of the session: the Vice President comes in two weeks afterwards, and takes his seat; can it be doubted that the office of President *pro tempore* then ceases, and that the Vice President is President of the Senate? There is no President *pro tempore* when the Vice President is here in the body, because he has resumed the chair. If that be the case, this resolution seeks to say that if he again leaves the Senate during that session the same occupant is to resume it under a former election; to resume an office which has been terminated! I think the resolution wrong for that reason; yet I think it reaches no effect that does not now exist as regards everything of benefit which the Constitution intended should arise from the election of the officer. Everything of that kind is reached by adhering to the previous construction which has been given.

Mr. SIMMONS. I would not say a word, if I did not believe that the Senator from Delaware would produce a difficulty by the construction he gives to the Constitution. He says that the office ceases when the Vice President resumes the chair. I put a case to him. Suppose the Vice President should resume his seat next December, and in the middle of the month he should die, and the President of the United States should die the same day: who would be President of the United States? We should have no Vice President and no President *pro tempore* of the Senate, according to his construction, and we could not elect one until the man was dead, and the office had taken its lodgment in the Speaker of the House of Representatives. I say it is indispensable, to carry out the principle of the law, that this office should be continued. The principle of the law that makes our President *pro tempore* the President of the United States, in case of the death of both President and Vice President, renders this indispensable.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. TRUMBULL. I hope this resolution will be laid over, or disposed of in some other way than by taking the vote on it at this moment. I am not prepared to take a vote on a resolution of this kind, construing the Constitution differently than it has been construed since the Government began, without any consideration or notice of it. I do not think we can, by resolution, enlarge the office of President of the Senate. The Constitution of the United States has declared it, and I think this is attempting to give a construction to the Constitution in a hasty manner. It may be right. I am not prepared to discuss it. I move that the consideration of it be postponed until tomorrow.

Mr. SIMMONS. If I understand the history of the Government, it was always so until within a few years; they always held over.

Mr. TRUMBULL. Then it will be so now.

Mr. COLLAMER. No; they have made a new rule lately.

The motion to postpone was not agreed to.

Mr. TRUMBULL. I move, then, that the Senate proceed to the consideration of executive business.

SENATOR FROM KANSAS.

Mr. FOSTER. I rise to a question of privilege in reference to the report of the Committee on the Judiciary upon the memorial of Frederic P. Stanton, claiming a seat in this body. That report was made on Friday, and has been printed, and is laid upon the tables of members. It is a subject of importance, concerning as it does the right of a member to a seat on this floor, and is a subject which ought to be pretty promptly considered. In my opinion, it ought to be considered before

the adjournment of this body. Possibly, the Senate may entertain a different opinion on this subject from me, and I, of course, shall yield to their better judgment. I consider it my duty, however, to bring the question before the Senate, and to urge upon them its consideration. I am willing to make the question of taking up the report a test question, whether or not the Senate is disposed to consider it during the present session. If they are disposed to consider it, they will take it up; if not disposed to consider it, they will refuse to take it up. Although it is a question of privilege, of course it is within the control of a majority of the body. I have a right, of course, to make the motion, and to call for action upon it, to the exclusion of the motion of the Senator from Illinois, who moved to go into executive session; but my object, of course, is not to embarrass the Senate, and not to ask the consideration of a subject which the Senate shall think it best not to consider. I present the question to the Senate, urging upon them the necessity, as it seems to me, of considering it, and ask a vote on the question of taking up this report for consideration.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of the report of the Committee on the Judiciary touching the right to a seat of the Senator from Kansas. That, relating to the constituency of the body, is eminently a privileged question, and does take precedence even of the motion to proceed to the consideration of executive business: and that is the question now before the Senate, on proceeding to the consideration of this subject.

Mr. LANE, of Indiana. I would not interpose unreasonable objection to taking up that question at this time, but it is known to the Senate that I offered a resolution of inquiry the other day which has just been answered by the President of the United States a few moments since, and the answer has been ordered to be printed, and has not, of course, yet reached the printer; and we cannot, I think, act knowingly without having all the facts of this contested-election case before us. In addition to that, I am informed that one of the Senators from Kansas is necessarily absent to-day. The State of Kansas is very deeply interested in this question of representation upon the floor, and it seems to me that we had better proceed to the consideration of executive business until, at least, all the evidence in the election case shall be before us.

Mr. WILSON. I ask the Senator from Connecticut to withdraw his motion for a few minutes, to allow me to introduce a bill, by direction of the Committee on Military Affairs, that it is very important should be acted on now.

Mr. FOSTER. I shall withdraw it, of course, on such a suggestion.

The PRESIDENT *pro tempore*. Then the question recurs on the motion of the Senator from Illinois to proceed to the consideration of executive business.

Mr. TRUMBULL. I withdraw that.

PAY OF THE TROOPS.

Mr. WILSON. The Committee on Military Affairs and the Militia have instructed me to report a bill (S. No. 69) to increase the pay of the non-commissioned officers, musicians, and privates of the regular Army, volunteers, marines, and seamen in the service of the United States.

The bill was read a first and second time. It provides that the pay of non-commissioned officers, musicians, and privates of the regular Army and volunteers, and of the marines, seamen, and ordinary seamen in the service of the United States, be increased by the addition thereto of two dollars per month for three years from and after the passage of this act, and until otherwise provided by law.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be considered at the present time.

Mr. KING. For the purpose of giving the Senator from Massachusetts an opportunity to propose an amendment, I move that it be laid over informally; and the Senator from Connecticut can then proceed with his report.

The PRESIDENT *pro tempore*. The Senator from New York objecting, the bill cannot be considered at the present time.

The bill was laid over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ETHERIDGE, its Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 49) to create a metropolitan police district of the District of Columbia, and to establish a police therefor.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills and joint resolution; which thereupon received the signature of the President *pro tempore*:

A bill (S. No. 63) making appropriations for fortifications, and for other purposes;

A bill (H. R. No. 80) authorizing the construction of twelve small side-wheel steamers;

A bill (H. R. No. 99) making appropriation to pay the expenses of the investigating committees of the House of Representatives and Senate appointed at the first session of the Thirty-Seventh Congress, and of the commission authorized to examine and report as to the compensation of all officers of the Government; and

A joint resolution (S. No. 15) requesting the President of the United States to recommend a day of public humiliation, fasting, and prayer.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, on the 31st of July, the following bills:

A bill (H. R. No. 45) to define and punish certain conspiracies; and

A bill (H. R. No. 81) making an appropriation for the purchase of arms for the volunteers and regular troops of the United States.

Also, that the President had approved and signed, on the 2d of August, the following bills:

A bill (H. R. No. 74) to increase the consular representation of the United States during the present insurrection; and

A bill (H. R. No. 78) to amend an act entitled "An act supplementary to the act entitled 'An act providing for a naval peace establishment, and for other purposes,'" passed March 27, 1864.

Also, that he had approved and signed, on the 3d of August, the following bills:

A bill (H. R. No. 59) for the relief of John C. McConnell; and

A bill (H. R. No. 100) to suspend in part the operation of an act entitled "An act relating to revenue cutters and steamers."

SENATOR FROM KANSAS.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Connecticut, that the Senate take up the report of the Committee on the Judiciary in relation to the election of a Senator from Kansas.

Mr. BROWNING. I hope that will not be taken up at present. For one, I have not such information as would enable me to act with any degree of satisfaction to myself upon the question. It is one of very great importance, not only to the Senator from Kansas personally, but to the State which he in part represents here?

Mr. COLLAMER. If the gentleman will permit me, I desire to know how this business comes up before the resolution which I presented, and which has not been disposed of? I presented a resolution, which was under consideration and debate; and there has been no vote disposing of it in any way.

The PRESIDENT *pro tempore*. The Senator from Connecticut rose to a privileged question.

Mr. COLLAMER. That being disposed of, that resolution, I take it, takes precedence of anything else, until disposed of somehow.

The PRESIDENT *pro tempore*. The question now before the Senate is on the motion of the Senator from Connecticut, to proceed to the consideration of that privileged question, touching the constituency of this body.

Mr. BROWNING. Several days ago a resolution passed this body calling upon the President to communicate information upon the subject the consideration of which it is proposed to enter upon. We have not yet received a response to that resolution. This morning I called personally upon the President, as an answer had not reached us, to know what the facts connected with the case were. He informed me that as soon as the resolution was laid before him, he sent to the War